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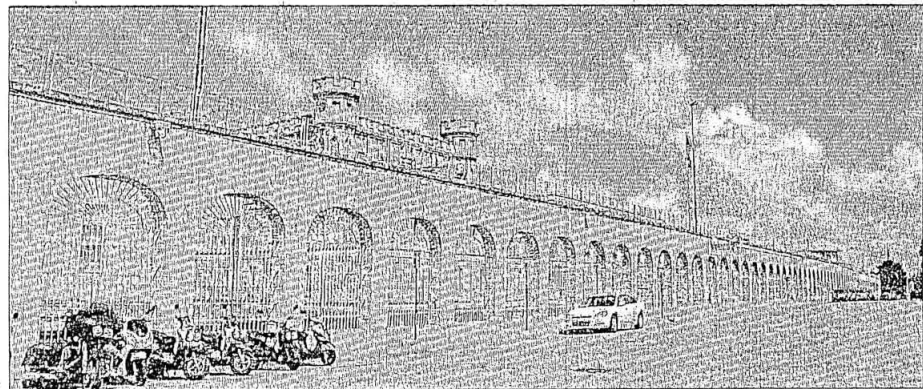
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**LET INSIDE**

## SCRABBLE FOR A CAUSE



» Gimme 5: There is still time to sign up for a competitive version of the word game that will benefit a local literacy organization, one of the event's organizers says.  
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Lauren Furhmann photo

Waupun Correctional Institution has struggled with high copper and lead levels for years. The 150-year-old prison is using water treatment to keep metals from aging lead and copper plumbing from leaching into the water.

# Water tainted in two prisons

## Lead, copper detected in Fox Lake, Waupun

By DEE J. HALL

Wisconsin Center for  
Investigative Journalism

**S**ome inmates, staff and visitors at two Wisconsin state prisons say the water there is unsafe to use because of lead and copper contamination.

At Fox Lake Correctional Institution, 55 miles northeast of Madison, about a dozen inmates told the Wisconsin Center for Investigative Journalism that the water at the 56-year-old prison is routinely yellow or brown

with dark sediment and an unpleasant flavor.

At Waupun Correctional Institution, 70 miles northwest of Milwaukee, one longtime officer said he and other staff were not aware of high lead levels in the prison's water in 2014, although officials insist legally required notifications were made that year when the facility violated the federal lead rule.

Prisoner advocate Peg Swan said she has been hearing from Waupun inmates for about a year about high lead levels in the water at the 150-year-

old prison.

Fox Lake has been working to meet terms of a 2014 consent order from the state Department of Natural Resources to lower levels of lead and copper in its water, which have been detected on and off for at least seven years.

Lead and copper contamination is caused by corrosion from aging plumbing.

Spokespeople for the state Department of Corrections said the agency has employed several

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Exhibit

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FROM PAGE ONE

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# Prison officials take action

## »Water

From Page 1A

strategies, including closing one well and fixing three others at Fox Lake. Fox Lake will soon begin water treatment to prevent corrosion and regular monitoring for metals, said Jeff Grothman, the DOC's legislative affairs director.

At Waupun, water treatment also is being used. Compliance testing at Fox Lake Correctional is scheduled to begin this month.

Fox Lake also has excessive levels of naturally occurring manganese, a metal that is not considered dangerous to adults except in high doses, but it can turn water brown and give it a bad taste and smell.

The prisons have not supplied staff or inmates with an alternative water source, although inmates are allowed to buy bottled water and staff can bring it in. Officials said both prison water systems now meet federal drinking water standards.

## Fox Lake

Since 2008, 18 water samples at Fox Lake have exceeded the maximum contaminant level of 1.3 milligrams per liter for

copper, and six samples exceeded the maximum contaminant level of 15 parts per billion for lead, according to the DNR database.

Although they insist the water is now safe, Fox Lake officials have told inmates, staff and visitors about the high lead and copper levels and advised them to run the water for 15 to 30 seconds before using it for drinking or cooking, or when a faucet has been unused for more than six hours. (The state DNR recommends running the water for two to three minutes under those conditions.)

Several Fox Lake inmates and the family of an inmate said the water remains yellow or brown even after prolonged flushing. Some inmates asked not to be named for fear of retribution.

Beverly Walker, whose husband, Baron, is serving time at Fox Lake, told a Madison gathering organized by the faith-based advocacy group Wisdom in February that she has heard "horror stories" from inmates about the water.

"Recently I was informed by my husband that the water was so dirty, they couldn't wash dishes so they were giving

the inmates paper plates to eat their food off of," said Walker, of Milwaukee.

DOC spokeswoman Joy Staab said she could not confirm the story about the paper plates. A DNR spokesman, George Althoff, could not identify the sediment but said whatever it is would show up in water tests.

## Waupun

Drinking water samples from Waupun prison have exceeded the federal standard 10 times for lead and four times for copper since 2008, according to the DNR drinking water quality database.

Utilities — including the Fox Lake and Waupun prisons, which operate their own water systems — can have up to 10 percent of water samples test above maximum levels without violating the federal Lead and Copper Rule.

Althoff said the "vast majority" of the 140 water samples taken since 2008 at Waupun have tested below the federal limits. The prison hit the 10 percent threshold in 2014, he said.

That year, Waupun was required to notify water consumers of the high lead levels, and the DOC pro-

vided a notice that it said was posted at the prison for inmates and emailed to staff in November 2014. The prison added phosphate to the water to prevent corrosion.

Brian Cunningham, who has worked as a correctional officer at Waupun for 22 years, said he has no recollection of being notified of excessive lead levels in 2014.

In September, high concentrations were again detected at Waupun, including one sample that registered at 120 ppb — eight times the federal limit. Despite the high value, Althoff said the prison remains in compliance with the Lead and Copper Rule.

Cunningham, president of the Wisconsin Association for Correctional Law Enforcement, said the prison did notify staff of the high lead level last fall. He added that "inmates have complained about the taste and the color of Waupun water since I've started working there."

*The Wisconsin Center for Investigative Journalism is a nonprofit that collaborates with Wisconsin Public Radio, Wisconsin Public Television, other news media and the UW-Madison School of Journalism and Mass Communication.*



## Wisconsin Prison Enters into Consent Decree to Correct Tainted Water

by Derek Gilna

IN 2014, WISCONSIN'S FOX LAKE CORRECTIONAL INSTITUTION (Fox Lake) executed a consent decree with the state Department of Natural Resources (WDNR) in response to complaints about high levels of copper and lead in the prison's water supply.

WDNR had first given Fox Lake a Notice of Noncompliance in December 2008, which noted the facility's water had a level of copper "greater than the maximum concentration, or action level that is allowed." By 2009 that problem had been corrected, but in 2012 another test revealed the same water supply had high levels of lead, plus excessive amounts of copper had returned. Fox Lake has exceeded maximum copper levels 18 times and lead levels six times since 2008.

The prison has also tested high for levels of manganese, which, although not dangerous to adults in most cases, causes water to taste and smell bad. Prisoners at the facility had stated the water was routinely yellow or brown, contained dark sediment and had a foul taste.

Fox Lake, which utilizes four wells for its water supply, agreed to provide plans and specifications within ninety days of the execution of the consent decree for how it intended to remediate the water quality issues, and also agreed to complete that project by early 2016. Pursuant to the consent decree, the facility will provide water samples to WDNR to show compliance with applicable quality standards. See: *State of Wisconsin, Department of Natural Resources v. Fox Lake Correctional Institution*, 2013-SCEE-031.

"The Fox Lake Correctional Institution water system is following all state and federal requirements of the Safe Drinking Water Act to provide safe water for staff, inmates and visitors to use for drinking, cooking and bathing," said Jeff Grothman, the Wisconsin DOC's legislative affairs director, who was quoted in an April 2016 article.

However, Fox Lake is not the only Wisconsin prison with a history of tainted water. The 150-year-old Waupun Correctional Institution, located north of Milwaukee, has also reported high levels of lead and copper – which is not surprising given that such contamination comes from

aging plumbing. According to the Wisconsin Center for Investigative Journalism, the prison's water exceeded federal standards for lead 10 times and standards for copper four times since 2008. One sample tested at eight times the federal water quality limit. The facility has begun treating its water to bring it into compliance with Safe Drinking Water Act standards.

Miguel Del Toral, an official with the U.S. Environmental Protection Agency, cautioned that testing results can vary widely from day-to-day, and that even the standards established in the Safe Drinking Water Act often "systemically [miss] high lead levels and potential human exposure."

Meanwhile, prisoners at both Fox Lake and the Waupun Correctional Institution have said prison officials still caution them to run tap water for at least thirty seconds before using it, and those who can afford to do so purchase bottled water from the prison commissaries. WDNR recommends running potentially

contaminated water for two to three minutes before using it for drinking or cooking.

Prisoners at both facilities have complained of various health problems, including nausea, vomiting, diarrhea and skin rashes. One, Ryan K. Rozak, filed a lawsuit in federal district court in Wisconsin alleging he has been harmed by high levels of lead in the water; the court found his claims involved "complex scientific public health issues" and appointed counsel to represent him in March 2016. The case remains pending. See: *Rozak v. Hepp*, U.S.D.C. (W.D. Wisc.), Case No. 3:15-cv-00134-jdp.

*Prison Legal News* has extensively covered the problem of substandard and tainted drinking water in many U.S. correctional facilities, which affects both prisoners and prison staff. [See: e.g.: *PLN*, Sept. 2015, p.12; Nov. 2007, p.1].

Sources: [www.postcrescent.com](http://www.postcrescent.com), [www.wpr.org](http://www.wpr.org), [www.wisconsinwatch.org](http://www.wisconsinwatch.org)

## New Orleans Sheriff Ends Oversight of Electronic Monitoring Program

by David Reutter

THE ORLEANS PARISH SHERIFF'S OFFICE'S (OPSO) administration of New Orleans' Electronic Monitoring Program (EMP) was an almost "total failure," according to the city's Inspector General, Ed Quatrevaux, who found deficiencies in the program compromised public safety and wasted money.

OPSO Sheriff Marlin Gusman took control of the EMP in 2010 despite having submitted a higher bid during a competitive bidding process. Prior to OPSO's administration of the program, from 2007 to 2009 defendants subject to electronic monitoring were overseen by a private contractor, Total Sentencing Alternatives Program (T-SAP). T-SAP lost its contract following criticism that it failed to timely respond to violations.

OPSO's management of the monitoring program came under scrutiny in September 2014 following the murder of Richard "Chris" Yeager, a Domino's Pizza driver.

Authorities put two teens with ankle monitors at the scene; one had missed curfew the night before by 90 minutes, and during that time committed a carjacking. A deputy never followed up on the curfew violation.

The Inspector General's Office examined the EMP and issued its report in two parts. The first determined that "neither the City nor OPSD implemented effective financial controls or ensured the program's fiscal accountability." Specifically, the report found that OPSO had overcharged the city and the mayor's office did not catch the errors.

The Inspector General's second report analyzed 359 files for 281 juvenile and adult participants in EMP from April 1, 2012 through September 30, 2012, and made six specific findings.

Investigators found that 79% of the files were incomplete or inaccurate; they frequently lacked one or more documents.